

REMARKS/ARGUMENTS

In response to the Office Action mailed January 25, 2006, Applicants amend their application and request reconsideration. In this Amendment claims 1-4 are cancelled leaving claims 5-7 pending.

The Examiner's diligence in attending to Information Disclosure Statements filed in this patent application and its parent patent application is appreciated. An attempt has been made to ensure that the same publications are of record in both patent applications while avoiding duplication. Still another Information Disclosure Statement was filed in this patent application on January 26, 2006, after the issuance of the most recent Office Action. Return of the initialed PTO-1449 Form in the next communication is respectfully requested.

Claims 5-7 were rejected as obvious over Wittur, (WO 99/16694) in view of Iyoda (JP 2000-8616).¹ In responding to this rejection, Applicants' representative has relied upon U.S. Patent 6,782,975, the U.S. cognate of Wittur, since the U.S. patent is in the English language. As recognized by the Examiner, that U.S. patent cannot, itself, be prior art to the present patent application. This rejection is respectfully traversed.

Referring to the language of claim 5, the Examiner asserted that Wittur describes an elevator system with a hoisting machine disposed within a hoistway between a wall of the hoistway and the elevator car. Applicants disagree. Where the location of the hoisting machine may be in Wittur is not clear from the brief disclosure of Wittur. There is a description of "driving disks 7" as cited by the Examiner and Applicants agree that the driving disks are disposed between the car and the hoistway wall. However, the location of the hoisting machine in Wittur is not clear. Applicants note the location of the hoisting machine in Iyoda. On that basis, Applicants proceed, solely for the purposes of responding to the Office Action, based upon the assertion with regard to Wittur regarding the location of the hoisting machine, but not accepting that assertion.

¹ The Examiner referred to the first named inventor by a misspelled form the first inventor's given name, Hiromi, in identifying the secondary reference. The first inventor's family name is employed here in identifying the publication.

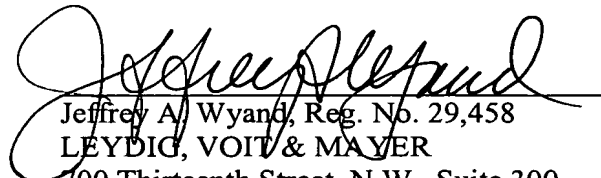
According to the Office Action at page 4, Wittur discloses an unnumbered base member “shown as the ground in Figure 2, on the bottom of the hoistway, disposed on the bottom of the hoistway.” Obviously, this assertion is incorrect. The bottom of the hoistway is the bottom of the hoistway and the reason there is no number provided with respect to a base member located on the bottom of the hoistway in Wittur is that there is no base member in Wittur. It is clear from the plain language of claim 5 that the base member cannot be the bottom of the hoistway because it is disposed on the bottom of the hoistway and these two elements, the base member and the bottom, are separately described in claim 5. Iyoda contributes no information regarding any such member because all of its figures concern the upper part of the elevator hoistway apparatus and never show any part of the bottom of the hoistway. Since no element corresponding to the base member of claim 5 appears in either of Wittur or Iyoda, it is plainly apparent that *prima facie* obviousness cannot be established, based upon those two publications, of any of claims 5-7.

According to page 5 of the Office Action, Wittur describes a mounting frame 6 that corresponds to the mounted member of claims 5-7. Certainly, a member 6 is illustrated in Figures 2-2c of Wittur. However, the mounted member according to claims 5-7 supports the hoisting machine. Where the hoisting machine is mounted in Wittur is completely uncertain from the disclosure of that publication. Therefore, Applicants cannot agree that the mount member of claims 5-7 is described by Wittur. Moreover, to the extent described, the members supporting the hoisting machine in Iyoda are not arranged as described in claim 5.

Because no combination of Wittur and Iyoda can include all of the elements of claims 5-7, *prima facie* obviousness has not been established with respect to any of those claims. Accordingly, upon reconsideration, the rejection should be withdrawn.

Since no claim has been amended in response to the Office Action, any new rejection based upon newly cited prior art or a new legal ground cannot properly be a final rejection.

Respectfully submitted,


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